

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH CAROLINA

Reco Miller, #310609,)	C/A No. 4:18-2135-BHH
<i>a/k/a Reco Lamont Miller, #310609,</i>)	
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
South Carolina Department of Corrections,)	
Evans Correctional Institution,)	
Warden Stonebreaker,)	
Warden Willie,)	
Mr. Ocean,)	
)	
Defendants.)	
_____)	

This is a civil action filed by a state prisoner. This case is before the Court due to Plaintiff's failure to comply with the magistrate judge's order to bring this case into proper form. (ECF No. 6.) An order was filed on August 10, 2018, ordering Plaintiff to bring the case into proper form. (ECF No. 6.) The order was not returned as undeliverable.

The mail in which the Order was sent to Plaintiff's provided address has not been returned to the court, thus it is presumed that Plaintiff received the Order, but has neglected to comply with it within the time permitted under the Order. The Court has not received a response from Plaintiff and the time for compliance has passed. A review of the record indicates that the magistrate judge ordered Plaintiff to submit items needed to render this case into proper form and specifically informed Plaintiff that if he failed to do so, this case would be subject to dismissal.

Plaintiff's lack of response to the Orders indicates an intent to not prosecute this case, and subjects this case to dismissal. *See* Fed. R. Civ. P. 41(b)(district courts may dismiss an action if a Plaintiff fails to comply with an order of the court); *see also Ballard v. Carlson*, 882 F.2d 93, 95 (4th Cir. 1989)(dismissal with prejudice appropriate where warning given); *Chandler Leasing Corp. v.*

Lopez, 669 F.2d 919, 920 (4th Cir. 1982)(court may dismiss *sua sponte*).

Accordingly, this case is dismissed without prejudice. The Clerk of Court shall close the file.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

September 11, 2018
Charleston, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.